

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 13, 15, 16, 19, 20, 22, 24-28, and 31-53 are pending in the present application; claims 13, 15, 16, 19, 22, 24, 26-28, and 31-33 having been amended; and claims 34-53 having been added by way of the present amendment.

Claims 13, 27, 28, and 31-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kawata (U.S.P. 4,615,364), claims 15 and 16 were indicated as containing allowable subject matter, and claims 19, 20, 22, and 24-26 were allowed.

Claims 15 and 16 were objected to. These claims have been rewritten in independent form as claims 34 and 38, respectively. However, changes were made to the claims to make clear that the invention is not limited to a developer container. As explained in the specification at page 22, lines 21-24, the invention is related to a toner replenishing device, a carrier replenishing device, or a mixture of toner and carrier. The present amendment removes the recitation of developer from the independent claims and includes powder or toner. It is to be noted that the recitation of toner does not exclude the possibility of the toner containing carrier as developer may include a toner/carrier mixture.

Applicants have removed the limitation of "said shutter member being connected to the container in both an opened and closed position" in the claims that have not been allowed.

Further, along these lines, added dependent claims 39-53 recite an additional feature of what is in the container. Thus, certain independent claims may cover an empty container, and the dependent claims 39-53 include the additional feature of the powder, toner, and developer.

It is further to be noted that the independent claims directed towards the container are recited as being “for use in an image forming apparatus” but the image forming apparatus is not part of the claim, but in the container claims, it is what the container is used for.

Claims 13, 27, 28, and 31-33 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kawata. This rejection is respectfully traversed.

The independent claims which were rejected by Kawata have been amended to include the feature of an outlet having a cylindrical shape and that the outlet is configured to receive a substantially horizontal nozzle when the container is mounted in the image forming apparatus.

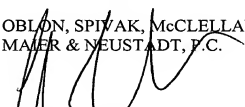
The specification at page 23, lines 13-15 indicate that the outlet is open in a substantially horizontal direction. If the outlet is open in a substantially horizontal direction, then the specification provides support for the nozzle being substantially horizontal when the container is mounted in the image forming apparatus. With respect to the “cylindrical shape” of the outlet, the outlet is shown as having a cross-sectional shape which is circular, for example in Figure 13. As the outlet has a circular cross-section and has a length, an element with a circular cross-section having a length is cylindrical, and therefore, the outlet has a cylindrical shape, which is recited in some of the pending claims. Kawata does not disclose or suggest an outlet which is cylindrical in shape. Moreover, the outlet is not configured to receive a substantially horizontal nozzle.

For at least these reasons, the rejection using Kawata is respectfully requested to be withdrawn.

Consequently, in light of the above discussion and in view of the present amendment, the present application is in condition for formal allowance and an early and favorable action to that effect is requested.

Respectfully submitted,

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